

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TIMOTHY COBLE,

Plaintiff,

v.

PETER DAMITER, et al.,

Defendants.

No. 3:11-cv-1276

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

ORDER

NOW this 6th day of August, 2012, upon review of Magistrate Judge Carlson's Report and Recommendation (Doc. 27) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation is **ADOPTED**.
- (2) Defendants' Motion for Summary Judgment (Doc. 20) is **GRANTED** with respect to Defendants Kephart, Kevalchick, and Sackett;
- (3) Defendants' Motion for Summary Judgment is **GRANTED** with respect to Plaintiff's Fourteenth Amendment claim;
- (4) Defendants' Motion for Summary Judgment is **DENIED** as to Plaintiff's Eighth Amendment failure-to-protect claims; and
- (5) This case shall be placed on the **November 2012** trial list. A pretrial scheduling order will follow.



A. Richard Caputo
United States District Judge